



Interview Summary: The Honorable Omar Alghabra, Minister of Transport

Background

The **Honorable Omar Alghabra** was appointed Minister of Transport on January 12, 2021. In this role, he is responsible for developing and overseeing the Government of Canada's transportation policies and programs. The Minister is the minister responsible for several other entities including Canada Port Authorities, VIA Rail Canada and NAV Canada, the civil air navigation system. In total, the Minister has responsibilities under 74 statutes and more than 400 regulations.

Minister Alghabra was interviewed by Shantona Chaudhury, Gordon Cameron, Yves Côté and Nusra Khan on September 6, 2022. Questions about this summary should be directed to Ms. Chaudhury. This preamble and text contained within square brackets consist of explanatory notes provided by Commission Counsel for the assistance of the reader. Certain documents are referred to in the footnotes to assist the reader but in many cases, they were not shown to or discussed with Minister Alghabra at the interview.

Minister Alghabra is principally supported by Deputy Minister Michael Keenan (**DM Keenan**), who serves as the institution head of the Department, and several other senior executives both within the National Capital Region and regional offices across Canada. DM Keenan and other senior officials were interviewed in a panel format separately from Minister Alghabra. This interview summary should be read alongside the summary of that panel interview and the Institutional Report prepared by Transport Canada (**TC**).

Arrival of the Convoy

Minister Alghabra was first briefed about the convoy a few days before January 29, 2022. The briefing provided information on the development of the convoy, its anticipated travel route, and the preparations made by law enforcement agencies. [The briefing was provided by the National Security and Intelligence Advisor (**NSIA**), the Canadian Security and Intelligence Service (**CSIS**), the Royal Canadian Mounted Police (**RCMP**), as well as Transport Canada.

[The Security Intelligence Assessment Branch (**SIAB**) within Transport does not have an intelligence collection mandate. It undertook passive monitoring of information on the demonstration and received information about threats of blockades to railway lines and



international bridges that were communicated directly to TC officials by railway companies and operators.]

Thereafter, Minister Alhabra received *ad hoc* briefings from the NSIA, CSIS and RCMP almost every day until the Incident Response Group (**IRG**) was convened on February 10, 2022. [The IRG serves as a dedicated forum in the event of a national crisis or during incidents elsewhere that have major implications for Canada. It is responsible for coordinating a prompt federal response to an incident, and making fast, effective decisions. IRG is chaired by the Prime Minister and has no fixed membership: as a working group of Ministers, membership may consist of relevant Ministers and senior government leadership, as needed, based on the nature of the incident.]

Minister Alhabra recalled that the protests first arose in response to the announcement in November 2021 that the designation of truck drivers as essential service providers would be eliminated as of January 15, 2022. [As a result of this change, unvaccinated truck drivers with a right of entry to Canada were required to undergo mandatory testing and quarantine requirements upon entry into Canada as part of the government's response to the COVID-19 pandemic.]

At that time, Minister Alhabra was unsure what the protests would entail. On the one hand, large protests had frequently occurred and been successfully managed by the City of Ottawa. He gave the example of the United We Roll Campaign [a convoy of approximately 50 large trucks which converged in Ottawa in February 2019 in support of pipeline development], which happened over a couple of days and then dispersed. On the other, he was concerned that the convoy could be similar to the January 6th events in the United States [the attack on Capitol Hill in 2021].

After the first weekend, Minister Alhabra was concerned about the escalation of the protests. Copycat demonstrations and blockades started to occur. There were reports of potential violence. The protesters and protest organizers said they wanted to overthrow the government. It was uncertain whether this was overheated rhetoric and they would move on after a few days after making their point, or something more serious. It became clear after a few days that the situation in the city of Ottawa and across the country had grown serious.

Tow Trucks

Minister Alhabra stated that the Convoy protests were different than other protests in their use of large, commercial trucks to block streets and access to ports of entry. It was difficult to move and manage the vehicles. Officials in both Ottawa and Alberta expressed that they were having difficulty obtaining tow trucks to remove the commercial trucks



parked in the middle of roads. There were many reasons for this. First, officials needed to source heavy-grade tow trucks capable of moving other commercial rigs. This narrowed the pool of available resources. Second, officials working to obtain tow trucks expressed that the majority of operators were refusing to get involved, out of fear for their own safety as a result of possible retaliation, or because of the intensity of the situation, or in some cases because they were sympathetic to the demands of the protestors.

Minister Alghabra explained that officials at TC began to engage with their provincial and municipal counterparts within the first week of protests. However, because the Department has limited federal jurisdiction over highways and trucking, there were no legislative tools available to it to resolve the protest in Ottawa. [The vast majority of Canadian highways fall under provincial, territorial, or municipal jurisdiction. Trucking, other than interprovincial and international trucking, is under provincial and territorial jurisdiction.] As such, both Minister Alghabra and senior officials in the Department focused their efforts on proactively approaching their provincial counterparts and municipal government officials to encourage them to act within their own authorities and offer assistance.

Minister Alghabra explained that there were two primary areas of concern in relation to the protests: law enforcement and maintaining the peace. Deterring others from joining the protests was also a priority. He explained TC identified areas in which the provinces and municipalities could deploy their legislative authorities to address these concerns. One was strategic enforcement of provincial highway regulation and municipal bylaws to clear protestors. Another was the strict enforcement of provincial commercial vehicle regulations to deter truck drivers from congregating in downtown Ottawa. DM Keenan and TC developed a policy proposal for provincial authorities to engage in strategic enforcement, titled the “Strategic Enforcement Strategy”. In addition, given the difficulties that were encountered getting tow trucks and tow truck operators to remove the large vehicles from protest sites, DM Keenan and TC developed a second policy proposal, the “Tow Truck Strategy.” DM Keenan liaised heavily with officials from provincial governments to produce these proposals.¹

Engagement with Provincial Counterparts

Minister Alghabra participated in several calls with his provincial counterparts in early February. He explained that his sense was that some provincial officials were looking to

¹ SSM.CAN.00000366_REL.0001, SSM.CAN.00000367_REL.0001. These documents were not referred to during the interview.



the federal government for assistance. He clarified that the use of the *Emergencies Act* (EA) was not raised during these exchanges. Nonetheless, his assessment was that some provincial governments, for example, Ontario and Alberta viewed the protests as an issue falling under federal jurisdiction requiring federal intervention.

Ontario

Minister Alghabra recalled he first approached Ontario's Minister of Transport, Caroline Mulroney, by text message on or around February 5, 2022. By that time, Minister Alghabra had made public statements about the need for provincial governments to take action under their legislation. Minister Mulroney anticipated that Minister Alghabra's request to leverage provincial legislation, and indicated to him that the Ontario Ministry of Transport was looking into it.

On February 8, DM Keenan received a letter from Ontario's Deputy Minister of Transport, Laurie Leblanc.² This letter indicated the Ontario Ministry of Transport's intention not to enforce commercial vehicle licensing and insurance regulations against protestors in Ottawa. Minister Alghabra described this as a pivotal moment in the evolution of the government's response to the protests. Although the Government of Ontario had previously expressed some reluctance in enforcing the *Highway Traffic Act* and other legislation in Ottawa, this was the first time it had articulated an outright refusal.

Minister Alghabra had a phone call with Minister Mulroney on February 9, 2022. Minister Mulroney advised Minister Alghabra that TC's enforcement proposals were simply unworkable. In her view, the blockades were a federal matter and she was looking forward to hearing about the federal government's plan to deal with the situation.³ Minister Alghabra conveyed Ontario's position to the first meeting of the IRG the following day.

Alberta

Minister Alghabra first spoke with the then-Minister of Transportation of Alberta, Rajan Sawhney, on February 5, 2022. This conversation focused on Alberta's request for assistance (RFA) for military tow trucks to clear the blockade in Coutts, Alberta, and the government of Alberta's difficulties in attempting to secure trucks themselves. [The RFA

² PB.CAN.00000821_REL.0001, PB.CAN.00000822. These documents were not referred to during the interview.

³ See, SSM.CAN.00001001_REL.0001. This document was not referred to during the interview.



was sent from the Minister of Municipal Affairs of Alberta Ric McIver to the Minister of Emergency Preparedness Bill Blair and Minister of Public Safety Marco Mendicino on February 5, 2022.⁴] Minister Alghabra and Minister Sawhney discussed potentially arrangement a call with the Governor of Montana to discuss whether they had equipment that could be used to help clear the blockades in Coutts. He explained that scheduling conflicts prevented this call from taking place until after the invocation of the EA on February 14, 2022.

Minister Alghabra spoke again with Minister Sawhney on February 9, 2022. The Ministers again discussed the situation on the ground with blockades at ports of entry across the country and committed to continuing to engage with one another. He recalled he discussed the government of Alberta taking action under the *Critical Infrastructure Defence Act* to clear the protestors at the Coutts border crossing. Minister Sawhney responded by suggesting that the federal government should enact similar legislation that it could use. Minister Alghabra's view was that existing tools were not being enforced in Alberta or were not sufficient.

Windsor

Minister Alghabra spoke with the Mayor of the City of Windsor, Drew Dilkens, on February 11. Mayor Dilkens sought federal assistance to clear the blockade at the Ambassador Bridge and provided an assessment of the police operation. He recalled that Mayor Dilkens expressed concern and anxiety about the situation in Windsor, especially the impact of the blockade on the residents of Windsor. Mayor Dilkens also gave an update about the City's involvement in the injunction application made in an attempt to re-open the Ambassador Bridge, but expressed frustration that he couldn't take further action.

Manitoba

Minister Alghabra spoke with the Minister of Transportation and Infrastructure of Manitoba Doyle Piwniuk on February 12, 2022.⁵ Minister Piwniuk provided an update about the blockade at the Emerson border crossing and its impact, especially given the volume of grain shipped through the Emerson port of entry. The Ministers discussed what they could

⁴ PB.CAN.00000717_REL.0001, PB.CAN.00000718_REL.0001. These documents were not referred to during the interview.

⁵ SSM.CAN.00001001_REL.0001. This document was not referred to during the interview.



do together to address the issue. Minister Alghabra suggested that Manitoba use provincial authorities to deter the blockaders.

Call with Secretary of State Pete Buttigieg

Minister Alghabra spoke with US Secretary of Transportation Pete Buttigieg on February 10, 2022. The call was arranged at Sec. Buttigieg's request. Minister Alghabra explained that this was unusual, though he had spoken to Sec. Buttigieg five or six times already by that time. Sec. Buttigieg wanted to register his concerns about the blockade at the Ambassador Bridge. He had heard from representatives from the automobile industry and other industries about disruptions to their supply chains caused by the blockade, and inquired whether the government of Canada had a plan to resolve the blockade.

Minister Alghabra was asked about the following statement he had made in the course of his call with Sec. Buttigieg:

But I can tell you – and I just spoke to the PM – that we are running out of patience. If things aren't addressed in the very near term, we as the federal government will step in.⁶

Minister Alghabra explained as follows. He was referencing discussions in Cabinet about the impact of the blockades on Canada's reputation as a reliable trading partner and that confidence in that trading relationship was being undermined as a result of the blockades. Ministers were hearing from businesses and from other levels of government that the blockades were putting at risk Canada's trade relationships. Minister Alghabra referenced this in his conversation with Sec. Buttigieg to reassure him that the federal government understood the gravity of the situation but also to help him see the complexity of the situation including that, under Canada's constitutional system, the issue fell under the jurisdiction of the provinces, and that government cannot direct the police. Minister Alghabra explained that the reference was not to the invocation of the EA because he did not know, at that time, that the EA would be invoked. Instead, he meant the federal government was going to continue to remain involved and push provincial governments to resolve the blockades.

Minister Alghabra recalled that Sec. Buttigieg received his answers well and Minister Alghabra had the impression that Sec. Buttigieg felt reassured. The conversation was left open-ended. Sec. Buttigieg registered his concerns; and Minister Alghabra provided

⁶ SSM.NSC.CAN.00000780_REL.0001.



assurances that the federal government was engaged and working to address the situation.

Engagement with Industry Representatives

Minister Alghabra noted that he had many conversations with concerned representatives from various industries in early February. He recalled hearing from representatives from the Auto-Makers Association, the Retail Council of Canada, Canadian Manufacturers and Exporters, Food Health and Consumers Products of Canada and other groups about the seriousness of the situation for their members and their myriad concerns relating to the cancellation of work, empty shelves in grocery stores, food being spoiled, trucker drivers' exceeding their hours and experiencing fatigue, and grocery stores being forced to close.⁷

Minister Alghabra stated that these conversations added to the sense of urgency and anxiety and informed his sense that something needed to be done.

Economic Impact of the Blockades

Minister Alghabra explained that the blockades had a significant economic impact, which are referenced in Transport Canada's Institutional Report. He further explained that the impacts also extended to non-quantifiable impacts on Canada's international reputation.

The Decision to Invoke

Minster Alghabra did not have conversations with the Prime Minister, outside of the IRG, pertaining to the protests. He had some discussions with Ministers Champagne Blair and Mendicino, but his involvement was primarily through the formal channel of Cabinet (and IRG) meetings.

The February 13 Cabinet Meeting

Minister Alghabra explained that at the IRG meeting on February 13, 2022, it was suggested that the situation had come to the point where the EA should be invoked.⁸ He recalled that this was a long and heavy meeting. After the Cabinet meeting, he and DM

⁷ See, SSM.NSC.CAN.00000810_REL. This document was not referred to during the interview.

⁸ SSM.NSC.CAN.000000216_REL.0001. This document was not referred to during the interview.



Keenan spoke about which particular tools TC would need under the EA to clear the protests. This was done in preparation for the First Ministers' Meeting [that took place the following morning].

Tow Truck Measures

Minister Alghabra noted that a key proposal for emergency measures was the power to compel tow truck drivers to comply with an order to assist in removing vehicles, which was inspired by TC's Tow Truck Strategy. The rationale for this measure was to require reluctant operators to provide an essential service. It ensured adequate resources and equipment were available to clear the blockades. Minister Alghabra was not aware of any other authorities under which tow truck operators could be compelled to act under a government order.

When asked, Minister Alghabra stated that he was unsure how many times the measures [under sections 7-10 of the *Emergency Measures Regulations*] were used to compel tow truck operators or whether such enforcement data was collected, but he stated that he was told the measures were use.

Provincial Engagement after the Invocation of the EA

British Columbia

Minister Alghabra participated in a call with the B.C. Minister for Transportation and Infrastructure, Rob Fleming, on February 14, 2022. He explained that this call was originally scheduled as part of his pre-invocation consultation efforts, but that it ended up taking place after both the First Ministers' Meeting and the announcement of the invocation of the EA. He recalled that the conversation centered on Minister Fleming's support for the decision, the release of Premier Horgan's public statement in support of the EA that same day, and the practical operation of the EA authorities.

Nova Scotia

On February 15, 2022, Minister Alghabra spoke with the Minister of Public Works of Nova Scotia, Kim Masland. Minister Masland expressed concern about the protests in front of the Nova Scotia Legislature and a possible blockade of the Halifax port. Minister Alghabra explained the new authorities available under the EA. He could not recall whether Minister Masland specifically registered opposition or support for the invocation of the Act during this conversation.



Lessons Learned

In Minister Alghabra's view, the protests exposed concerns regarding the potential impact of protest activities on Canada's trade corridors. He explained that he supports individuals' right to protest but protests can occur without blocking critical trade corridors and impacting Canada's economy and the livelihood of others.